

## SJ-EXHIBIT 41

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION  
4   IN RE:   NATIONAL                   :   MDL No. 2804  
5            PRESCRIPTION OPIATE       :  
6   LITIGATION                        :   Case No. 17-md-2804  
7                                       :  
8   APPLIES TO ALL CASES           :   Hon. Dan A. Polster  
9                                       :  
10                                      :  
11                                      :

12                   HIGHLY CONFIDENTIAL  
13                   SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

14                                      - - - -  
15                   DECEMBER 20, 2018  
16                                      - - - -

17   VIDEOTAPED DEPOSITION OF JOSEPH EDWARD MILLWARD,  
18   taken pursuant to notice, was held at Marcus &  
19   Shapira, One Oxford Center, 35th Floor, Pittsburgh,  
20   Pennsylvania 15219, by and before Ann Medis,  
21   Registered Professional Reporter and Notary Public in  
22   and for the Commonwealth of Pennsylvania, on  
23   Thursday, December 20, 2018, commencing at 9:07 a.m.

24                                      - - - -  
25                   GOLKOW LITIGATION SERVICES  
                  877.370.3377 ph | 917.591.5672 fax  
                  deps@golkow.com

1 BY MR. HUDSON:

2 Q. -- that caused you in your role in  
3 compliance to take action?

4 MR. KOBRIN: Object to form.

5 THE WITNESS: Seeking certifications or  
6 accreditations for ACC -- ACHC. I'm sorry. I  
7 think that's the American -- or the Accreditation  
8 Council for Healthcare, ballpark. URAC  
9 accreditation. DMEPOS accreditation.

10 I don't know what URAC stands for. I can't  
11 remember. And DMEPOS, Durable Medical Equipment  
12 Point of -- no, no -- Prosthetics, Orthotics, I'll  
13 say Supplies. I don't remember.

14 So that was through NABP, so the National  
15 Association of Boards of Pharmacy for that  
16 particular accreditation.

17 And then VAWD accreditation, Verified  
18 Accredited Wholesale Distributor.

19 BY MR. HUDSON:

20 Q. Any other company initiatives you can  
21 think of that impacted your compliance role?

22 A. Opening a specialty pharmacy. Having a  
23 call center pharmacy that had no product and only  
24 did off-site processing, prescription processing.

25 And then the opening of the what is GERX

1 the SOMS requirements of the Controlled Substances  
2 Act?

3 MR. KOBRIN: Object to form. Asked and  
4 answered.

5 BY MR. HUDSON:

6 Q. You can answer.

7 A. Was I told by anybody, Greg, Anthony or  
8 otherwise, that my group was responsible for  
9 those?

10 In the rewriting or review of those for VAWD  
11 certification is when we became very involved  
12 specific to the individual there that we had  
13 procedures at retail level in place already.

14 Q. What about at the distributor level?

15 MR. KOBRIN: Object to form.

16 THE WITNESS: As I said, when we review  
17 for the VAWD certification, to review all their  
18 policies and procedures that were in place, to  
19 reformat them for VAWD certification.

20 BY MR. HUDSON:

21 Q. When did this VAWD certification review  
22 occur?

23 A. Good grief. VAWD -- well, the VAWD  
24 certification itself, the actual granting of the  
25 certification occurred after I was gone from the

1 company.

2 But initially it would have been, if I had to  
3 ballpark it, '14, '15-ish, and that's a guess.

4 Q. Let me just ask you the broad question.  
5 What is VAWD certification?

6 A. VAWD, and I apologize for not  
7 remembering the entire acronym, but essentially,  
8 it's a distributor certification that some states  
9 require in order to distribute into those states  
10 and a set of standards for not just controlled  
11 substances, but temperature controls, physical  
12 plant, HR.

13 Q. Why was there a VAWD review, VAWD  
14 certification review occurring in 2014 or 2015?

15 A. So we could -- as we understood at the  
16 time, in order to distribute to the store that was  
17 opening in Indiana. Indiana required VAWD  
18 certification in order to distribute. That was  
19 our understanding. As well as the -- which would  
20 have been one store -- as well as the two stores  
21 that were in Maryland.

22 Q. So prior to you and your group's  
23 involvement in the VAWD certification review in  
24 2014 or 2015, did you have any involvement with  
25 the HBC policies and procedures to meet the SOMS

1 BY MR. HUDSON:

2 Q. So it's your testimony that we will be  
3 able to find policies and procedures at the  
4 pharmacy level, the warehouse level and the  
5 corporate level that would specifically relate to  
6 monitoring shipments from HBC to Giant Eagle  
7 pharmacies to determine whether or not they're  
8 suspicious?

9 MR. KOBRIN: Object to form.

10 THE WITNESS: Well, I know we talked  
11 about the policies earlier in the conversation.  
12 And as far as where the policies for the  
13 distribution center, when I got involved with the  
14 distribution center would have been through the  
15 VAWD process and then subsequently GERX. But  
16 sharing info with the group from the conferences.

17 BY MR. HUDSON:

18 Q. I agree. I mean, HBC -- I'll represent  
19 to you that the company has answered questions  
20 that we've asked them about written policies. And  
21 you definitely were involved. There were written  
22 policies in place in 2015 and later; right? Do  
23 you agree with that?

24 MR. KOBRIN: Object to form.

25 THE WITNESS: I agree that's when I had

1 RX distribution center?

2 MR. KOBRIN: Object to form. Vague.

3 THE WITNESS: Can you be more specific,  
4 please, or restate the question?

5 BY MR. HUDSON:

6 Q. At a certain point, did you become  
7 involved with taking steps to make sure that the  
8 new Giant Eagle RX distribution center was  
9 complying with the Controlled Substances Act?

10 A. As part of the VAWD certification  
11 process, policies and procedures were reviewed.  
12 And because it was a new distribution center with  
13 a new physical layout and the business plan called  
14 for a vault, policies and procedures had to be  
15 created for the facility.

16 Q. And you were involved in that process;  
17 right?

18 A. Yes.

19 Q. Let me hand you what I marked as  
20 Exhibit 25.

21 (HBC-Millward Exhibit 25 was marked.)

22 MR. HUDSON: Exhibit 25, the internal  
23 number is 1005.

24 BY MR. HUDSON:

25 Q. I'm going to focus mainly on this first